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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/563,771 | 05/15/2006 | Hans-Peter Barthelt | 239440 | 3219 |

23460 7590 04/14/2008

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EXAMINER

TRETTEL, MICHAEL

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

04/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,771

Applicant(s)

BARTHELT, HANS-PETER

Examiner

Michael Trettel

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-11 is/are rejected.
7) ☒ Claim(s) 12-18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al (US 5,577,279). Foster et al shows a hospital bed 10 that broadly comprises a base frame 12, a main support frame 14, and a patient support platform 16 mounted to the main frame 14. The main frame 14 is supported by a pair of parallelogram linkages 60 upon the base frame 12, and can be adjusted in height relative to the base frame 12 by an actuator 82. The actuator 82 is pivotally mounted to the base frame upon a bracket 84, and is pivotally attached at a distal end to the upper link 62 of the parallelogram linkage 60. By extending and retracting the actuator the main frame 14 can be raised and lowered. The patient support platform 16 is sectional and adjustable and includes a head section 90, seat section 92, thigh section 95, and lower leg support 96 which are sequentially pivoted to one another, with the seat section 92 being slidably attached to the main frame 14. The seat section 92 is mounted upon a carriage 120 which includes rollers 120, 122 which engage channels 124 formed as part of the main frame 14. An actuator 126 is attached at one end to the main frame 14 and to a linkage formed by links 130 and tongue plate 136 attached to the head panel 90. By extending and retracting the actuator 129 the head panel can be pivoted relative to the seat panel 92. Retraction of the actuator towards the head end of

the bed causes the support platform 16 to move towards the head end of the bed as the head section 92 is pivoted upwardly, as detailed in column 7, lines 31-67. A second carriage 160 with rollers 166 is used to actuate the leg section 96. A second actuator 168 is attached between the frame 14 and carriage 160 to move the carriage relative to the frame. As detailed in column 8, lines 2-67 and column 9, lines 1-21 the carriage 160 can be moved towards the head end of the bed by retraction of the actuator 168, which causes the leg panel to drop into a vertical position. The bed can therefore assume a chair position, with the head section pivoted upwardly and the leg section pivoted downwardly. As shown in Figure 10 an actuator 330 can be used to raise the leg section 96 upwardly to an inclined position relative to the seat section 92, read column 11, lines 40-67.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al (US 5,095,561). Green shows an invalid bed that comprises a base frame 16 supported by height adjustable legs 12 and 14. A carriage assembly 20 is centrally located upon the frame 16 and has a back panel 22 pivotally attached thereto for pivotal movement between a horizontal and inclined position. A link means 25 is attached to the back panel and is used in conjunction with some type of actuator to pivotally move the back panel 22. A thigh panel 28 is pivotally attached to the carriage 20, while a lower leg panel 26 is pivotally attached to the thigh panel 28 at a horizontal pivot 30. An actuator linkage 31 is attached to the thigh and leg panels and are used to move the panels into an inclined position shown in Figure 4. The carriage 20 is supported upon a vertical spindle 34 and can be rotated around this pivot axis as shown in Figure 2, such that the leg panel of the bed can then be dropped into a vertical position as shown in Figure 5.

The back panel 22 can simultaneously be moved upwardly such that the bed can be used as a seat.

Allowable Subject Matter

Claims 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iura (US 5,425,151 and 5,497,518), Barthelt (US 7,086,103), MacDonald (US 3,239,853 and 3,112,500), and Howell (US 4,183,109) show seat/chair type beds which are combined with a rotating type bed frame which are of particular interest. Peck (US 4,862,529) and Grove (US 6,912,746) show seat/chair type beds which are of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Trettel
Primary Examiner
Art Unit 3673

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